

## **VIRGINIA BOARD OF OPTOMETRY**

Title of Regulations: 18 VAC 105-20-10 et seq.  
Regulations of the Virginia Board of Optometry

Statutory Authority: § 54.1-2400 and Chapter 32 (Section 54.1-3200 et seq.) of  
the Code of Virginia

Effective Date:

**18 VAC 105-20-10. Licensure by examination.**

A. The applicant, in order to be eligible for licensure by examination to practice optometry in the Commonwealth, shall:

1. Be a graduate of a school of optometry accredited by the Council on Optometric Education; have an official transcript verifying graduation sent to the board;
2. Request submission of an official report from the National Board of Examiners in Optometry of a score received on each required part of the examination of the National Board of Examiners in Optometry or other board-approved examination; and
3. Submit a completed application and the prescribed fee.

B. Applicants who passed the National Board Examination prior to ~~August 1993~~ May 1985 shall apply for licensure by endorsement as provided for in 18 VAC 105-20-15.

C. Required examinations.

1. For the purpose of § 54.1-3211 of the Code of Virginia, the board adopts all parts of the examination of the National Board of Examiners in Optometry as its written examination for licensure. After July 1, 1997, the board shall require passage as determined by the board of Parts I, II, and III of the National Board Examination.
2. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

**18 VAC 105-20-15. Licensure by endorsement.**

A. An applicant for licensure by endorsement shall pay the fee as prescribed in 18 VAC 105-20-20 and file a completed application that certifies the following:

1. The applicant has successfully completed a licensing examination or certification in optometry in any jurisdiction of the United States that is approximately comparable to the Virginia examination at the time of initial licensure;
2. The applicant has been engaged in active clinical practice for at least 36 months out of the last 60 months immediately preceding application;
3. The applicant is not a respondent in a pending or unresolved malpractice claim.
4. Each jurisdiction in which the applicant is currently licensed has verified that:
  - a. The license is full and unrestricted, and all continuing education requirements have been completed, if applicable;
  - b. The applicant is not a respondent in any pending or unresolved board action;

- c. The applicant has not committed any act which would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia;
  - d. The applicant has graduated from an accredited school or college of optometry.
- B. The applicant shall also provide proof of competency in the use of diagnostic pharmaceutical Agents (DPA's) which shall consist of a report from the National Board of passing scores on all sections of Parts I and II of the National Board Examination taken ~~August 1993~~ May 1985 or thereafter. If the applicant does not qualify through examination, he shall provide other proof of meeting the requirements for the use of DPA as provided in §§ 54.1-3220 and 54.1-3221 of the Code of Virginia.
- C. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.
- D. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing and provide proof of credentialing and quality assurance review to satisfy compliance with applicable requirements of subsection A of this section.
- E. In the event the examinations for initial licensure are determined not comparable, the board may require the applicant to take and pass a regional or national practical examination.
- F. An optometrist previously licensed in Virginia is not eligible for licensure by endorsement but may apply for reinstatement of licensure under 18 VAC 105-20-60.

**18 VAC 105-20-20. Fees.**

A. Required fees.

Initial application and licensure	\$245
Endorsement of certification to use diagnostic pharmaceutical agents	\$100
Annual licensure renewal	\$150
Late renewal	<del>\$100</del> <u>50</u>
Returned check	\$25
Professional designation application	\$100
Annual professional designation renewal (per location)	\$50
<u>Late renewal of professional designation</u>	<u>\$20</u>
Reinstatement application fee <u>(including renewal and late fees)</u>	<del>\$250</del> <u>450</u>

Reinstatement application after disciplinary action	\$500
<del>Continuing education review (per course)</del>	<del>\$25</del>
Duplicate wall certificate	\$25
Duplicate license	\$10
<u>Licensure verification</u>	<u>\$10</u>

B. Unless otherwise specified, all fees are nonrefundable.

### **18 VAC 105-20-40. Unprofessional conduct.**

It shall be deemed unprofessional conduct for any licensed optometrist in the Commonwealth to violate any statute or regulation governing the practice of optometry or to fail to:

1. Use in connection with the optometrist's name where it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."
2. Maintain records on each patient for not less than five years from the date of the most recent service rendered.
3. Post in an area of the optometric office which is conspicuous to the public, a chart or directory listing the names of all optometrists practicing at that particular location.
4. Maintain patient records, perform procedures or make recommendations during any eye examination, contact lens examination or treatment as necessary to protect the health and welfare of the patient.
5. Notify patients in the event the practice is to be terminated, giving a reasonable time period within which the patient or an authorized representative can request in writing that the records or copies be sent to any other like-regulated provider of the patient's choice or destroyed.

### **18 VAC 105-20-50. Professional designations.**

A. In addition to the name of the optometrist as it appears on the license, an optometrist may practice in an office that uses ~~any~~ only one of the following:

1. The name of an optometrist who employs him and practices in the same office;
2. A partnership name composed of some or all names of optometrists practicing in the same office; or

3. A professional designation, if the conditions set forth in subsection B of this section are fulfilled.

B. Optometrists licensed in this Commonwealth who practice as individuals, partnerships, associations, or other group practices may use a professional designation for the optometric office in which they conduct their practices, provided the following conditions are met:

1. ~~Each~~ A professional designation shall be registered with the board by a licensed optometrist, who has an ownership or equity interest in the optometric practice and who must practice in any location with that registered designation and who must assume responsibility for compliance with this section and with the statutes and regulations governing the practice of optometry.

2. ~~Each~~ A professional designation must be approved by the board and a fee must be paid as prescribed by board regulation prior to use of the name. Names which, in the judgment of the board, are false, misleading, or deceptive will be prohibited.

~~2.~~ 3. No licensed optometrist may, at any time, register to practice optometry under more than one professional designation.

~~3.~~ 4. All advertisements, including but not limited to signs, printed advertisements, and letterheads, shall contain the word "optometry" or reasonably recognizable derivatives thereof unless the name of the optometrist is used with the professional designation with the O.D. designation, Doctor of Optometry or optometrist.

~~4.~~ 5. In the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location shall be kept at all times prominently and conspicuously displayed.

~~5.~~ 6. The names of all optometrists who practice under the professional designation shall be maintained in the records of the optometric office for five years following their departure from the practice.

~~6.~~ 7. The name of the licensed optometrist providing care shall appear on all statements of charges and receipts given to patients.

~~7.~~ 8. An optometrist may use a professional designation which contains the name of an inactive, retired, removed, or deceased optometrist for a period of no more than one year from the date of succession to a practice and so long as he does so in conjunction with his own name, together with the words, "succeeded by" "succeeding," or "successor to."

**18 VAC 105-20-60. Renewal of licensure; reinstatement; renewal fees.**

A. Every person authorized by the board to practice optometry shall, on or before ~~October~~ December 31 of every year, submit a completed renewal application and pay the prescribed annual licensure fee.

- B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address. All changes of mailing address or name shall be furnished to the board within 30 days after the change occurs. All notices required by law or by these rules and regulations are deemed to be validly tendered when mailed to the address given and shall not relieve the licensee of the obligation to comply.
- C. The license of every person who does not return the completed form and fee by ~~October~~ December 31 of each year may be ~~extended for 30 days until November 30 and may be renewed for up to one year by paying the prescribed renewal fee and late fee, postmarked no later than November 30,~~ provided the requirements of 18 VAC 105-20-70 have been met. After ~~November 30, an unrenewed license is invalid December 31<sup>st</sup>,~~ a license that has not been renewed is lapsed. ~~Failure to renew a license~~ Practicing optometry in Virginia with a lapsed license may subject the licensee to disciplinary action and additional fines by the board.
- D. An optometrist whose license has been lapsed for more than one year and who wishes to resume practice in Virginia shall apply for reinstatement. The executive director may grant reinstatement provided that:
1. The applicant can demonstrate continuing competence;
  2. The applicant has satisfied current requirements for continuing education ~~during the lapsed period~~ for the period in which the license has been lapsed, not to exceed two years; and
  3. The applicant has paid the prescribed ~~late fee, the unpaid renewal fee for the previous year and the prescribed~~ reinstatement application fee.
- ~~D.E.~~ The board may require an applicant who has allowed his license to expire and who cannot demonstrate continuing competency to pass all or parts of the board-approved examinations.

**18 VAC 105-20-70. Requirements for continuing education.**

- A. Each license renewal shall be conditioned upon submission of evidence to the board of ~~14~~ 16 hours of continuing education taken by the applicant during the previous license period.
1. Fourteen of the 16 hours shall pertain directly to the care of the patient. The 16 hours may include up to two hours of record-keeping for patient care and up to two hours of training in cardiopulmonary resuscitation (CPR).
  2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least two of the required continuing education hours shall be directly related to the prescribing and administration of such drugs.
  3. Courses which are solely designed to promote the sale of specific instruments or products and courses offering instruction on augmenting income are excluded and will not receive credit by the board.
- B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to ~~October~~ December 31

unless extension or waiver has been granted by the Continuing Education Committee.

C. All continuing education courses shall be offered by an approved sponsor listed in subsection G. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses which have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses [within 14 days of the renewal date].

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor as listed in subsection G. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

~~C.G.~~ An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored [or approved] by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.
7. The Virginia Academy of Optometry.
8. Council on Optometric Practitioner Education (C.O.P.E.)
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. Specialty organizations. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 [or Category 2] credit.

~~12. Journals or optometric information networks as recognized by the board. Providers of training in cardiopulmonary resuscitation (CPR).~~

13. Optometric Extension Program.

~~D. For board approval of courses offered by other sponsors, the board will review courses for purposes of continuing education requirements if the course review fee as prescribed in 18 VAC 105-20-20 has been paid and the following is provided:~~

- ~~1. The title of the course;~~
- ~~2. The sponsoring organization(s);~~
- ~~3. The name of the lecturer;~~
- ~~4. The qualifications of the lecturer;~~
- ~~5. An outline of the course's content;~~
- ~~6. The length of the course in clock hours;~~
- ~~7. The method of certification of attendance or completion if offered as a correspondence course; and~~
- ~~8. Number of credit hours requested.~~

~~E. Courses approved by the board will be kept on a list maintained by the board. All courses approved by the board shall pertain directly to the care of the patient. Courses excluded by the board shall include:~~

- ~~1. Courses which are solely designed to promote the sale of specific instruments or products;~~
- ~~2. Courses offering instruction on augmenting income; and~~
- ~~3. Courses which are neither advertised nor in fact available to all optometrists.~~

## Certification

*I certify that this regulation is full, true, and correctly dated.*

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Elizabeth A. Carter, Ph.D.  
Executive Director  
Virginia Board of Optometry

Date: \_\_\_\_\_